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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Patrick ALEXANDRE et al.

Group Art Unit: 3763

Application No.: 10/018,469

Examiner: C. WILLIAMS

Filed: February 4, 2002

Docket No.: 111504

For: NEEDLELESS SYRINGE OPERATING WITH AN IMPACT WAVE GENERATOR
THROUGH A WALL

SUMMARY OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Williams in the May 2, 2007 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Applicants' representative discussed the differing methods of operation between the presently claimed subject matter and the applied references. Specifically, Applicants' representative addressed how the pending claims allow a shockwave to propagate through the claimed barrier and focus the shockwave on the active principle contained in the blind cavity thereby propelling the active principle in a focused jet. U.S. Patent No. 4, 945,050 to Sanford et al. (hereinafter "Sanford"), that uses the forward motion of the macro projectile 50 to impart forward velocity to particles 52, was also discussed.

The claim features of a resistant barrier, which ensures an effective propagation of a shockwave through the resistant barrier, the resistant barrier remaining fixed within the syringe during injection was also discussed. Applicants' representative argued that Sanford did not teach, nor could it reasonably be considered to have suggested, such features at least because the macro projectile 50 in Sanford is clearly not fixed during injection, and there is no indication in Sanford that the macro projectile 50 is configured to ensure an effective propagation of a shockwave through it.

The Examiner initially indicated that, based on her interpretation of Sanford, a shockwave would inherently propagate through the macro projectile 50 once stopped in the end of injection position. Applicants' representative argued that this could not reasonably be considered to be an inherent characteristic of the Sanford device at least because (1) Sanford does not rely on the creation of a shockwave, (2) there is no description of a composition or structure of macro projectile 50 that would suggest to one of ordinary skill in the art that the macro projectile 50 would effectively propagate a shockwave, and (3) an effective propagation of the shockwave is meaningless in Sanford as the device does not rely on the propagation of the shockwave through the macro projectile 50 in order to propel the particles 52. Applicants respectfully direct the Examiner's attention to at least page 7, lines 11-15 wherein exemplary factors affecting the propagation of a shockwave are described.

The Examiner asserted that the macro projectile 50 could reasonably be considered to be fixed within the syringe during injection because the macro projectile 50 is constrained within the limits of the syringe although movable. This is not a reasonable construction of the word "fixed" at least because the ordinary and customary meaning of "fixed" is to be anchored or made fast in a definite position. As such, the macro projectile 50, that is moving during injection, cannot reasonably be considered as fixed within the syringe.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JEG/hms

Date: May 4, 2007

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